

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**IN RE:**

**\* S E V E N T H  
A M E N D E D**

**DISPOSITION OF UNCLAIMED  
DIVIDENDS**

**GENERAL ORDER  
NO. 90-1**

\*\*\*\*\*

Issued at Youngstown, Ohio, this 22<sup>nd</sup> day of May, 2003.

It appearing to the court that pursuant to 11 U.S.C. Section 347(a) and 28 U.S.C. Chapter 129, property of a bankruptcy estate unclaimed ninety days after final distribution under Section 726, 1226 or 1326 of Title 11 shall be paid into the registry of the court; and

It further appearing that withdrawal of these funds is governed by 28 U.S.C. Section 2042.

IT IS THEREFORE ORDERED that release of these funds will require the following:

**REQUIREMENTS FOR PRO SE CREDITOR/CLAIMANT, i.e., SELF  
REPRESENTATION**

1. A petition, i.e., written request, for return of an unclaimed dividend must be submitted to the Clerk of this United States Bankruptcy Court, Key Tower, 127 Public Square, Cleveland, OH 44114. **\*Petition must include claimant's name, address, telephone number, social security number or Tax I.D. Number, a brief history of the claimant from the filing of the claim to present and original signature. Supporting documentation that the money has been deposited with the Court must be attached.** Creditor/claimant must sign a certificate of mailing reflecting that the request was served on the United States Attorney for the Northern District of Ohio, Carl B. Stokes United States Court House, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113 and the United States Trustee, BP America Bldg., 200 Public Square, 20<sup>th</sup> Floor, Suite 3300, Cleveland, Ohio 44114.

2. Creditor/claimant must personally appear before the Clerk of this Court, or the Clerk's authorized designee, and provide proof of the right to the funds, i.e., personal identification such as a valid driver's license or passport. If the creditor/claimant is a corporation, the representative appearing shall present an affidavit of the Chief Executive Officer that such person is a duly authorized employee. If the creditor/claimant is a successor corporation, creditor/claimant shall also comply with requirements on page 2, paragraph 2 of this Order pertaining to new and prior owners.

**REQUIREMENTS FOR THE REPRESENTATIVE OF THE ESTATE OF A DECEASED  
CLAIMANT**

1. The representative must comply with all requirements in Item 1 above.

2. The representative must personally appear as stated in Item 2 above. Certified copies of all probate documents to substantiate the representative's right to act on behalf of the decedent's estate must be provided as proof of entitlement.

### **REQUIREMENTS FOR ANY OTHER INDIVIDUAL REPRESENTING THE INTERESTS OF A CLAIMANT**

1. The representative must be an attorney licensed to practice law in the United States District Court for the Northern District of Ohio. Out-of-state attorneys may appear, pro hac vice or through local counsel, on behalf of individual claimants.

2. The attorney must petition the court by motion for an order authorizing return of an unclaimed dividend as prescribed by Rule 9013 of the Bankruptcy Rules.

The motion must contain the name, address, telephone number, **\*social security number or Tax I.D. Number** and brief history of the creditor from the filing of the claim to the present. If applicable, proof of any sale of the company, new and prior owner and a copy of the terms of any purchase agreement or stipulation by prior and new owners of right of ownership to the unclaimed fund must be provided. If the claim has been assigned, copies of all documents evidencing assignment must be appended to the motion.

The motion must state that sufficient inquiry was made to satisfy the court that the fund was not previously paid, no other applications for return of the fund are pending and no other party other than the movant is entitled to submit a motion for the fund.

A copy of the court order depositing the funds into the Treasury/Registry as unclaimed, or a copy of the receipt and attached list of parties entitled to the unclaimed funds or other supporting documentation must be appended to the motion. Movant must sign a certificate of mailing reflecting that the motion was served on the United States Attorney for the Northern District of Ohio, Carl B. Stokes United States Court House, 801 West Superior Avenue, Suite 400, Cleveland, Ohio 44113 and the United States Trustee, BP America Bldg., 200 Public Square, 20<sup>th</sup> Floor, Suite 3300, Cleveland, Ohio 44114.

Twenty (20) days following receipt of the above documentation, the Clerk shall prepare and submit the appropriate order to the court.

Any payment made to a claimant will be issued jointly to claimant and the attorney and will be mailed to the attorney.

**FOR THE COURT**

  
**WILLIAM T. BODOH**  
**CHIEF JUDGE**